

REMARKS

Claims 17 and 32-42 are pending in the instant patent application. Claim 17 was amended to require no activity decreasing 5'-GGA-3' sequence motif. This amendment finds support throughout the specification and in the claims as originally filed. The amendments to claims 33 and 34 correct grammatical and dependency errors. Claims 32-38 are withdrawn. Claims 32 through 34 are subject to rejoinder. No new matter has been added. The claim amendments should not be construed as abandonment or agreement with the Examiner's position in the Office Action.

A. Rejections under 35 U.S.C. § 102

Applicants respectfully traverse the rejection of claims 17, 39 and 42 over Stewart et al. as being moot in view of the claim amendments submitted herewith, specifically the amendment of claim 17. Claim 17, as currently amended, requires that the sequence must not include the activity decreaseing sequence motif 5'-GGA-3', presented in the 7594 sequence disclosed by Stewart et al. Therefore, Stewart et al. do not disclose all of the limitations of the claims. Applicants respectfully request that the rejection be withdrawn.

B. Rejections under 35 U.S.C. § 103

Applicants respectfully traverse the rejection of claims 17 and 39-42 over Stewart in view of Baracchini as being moot in view of the claim amendments submitted herewith, specifically the amendment of claim 17 as discussed above. Applicants respectfully request that the rejection be withdrawn.

FEES

The Applicants hereby authorize to Commissioner to charge Deposit Account 50-0252 for a three month extension of time. It is believed that no other fee is due with this response. However, if an additional fee is due, the Commissioner is herby authorized to charge the Deposit Account listed above referencing this case number.

CONCLUSIONS

Applicants submit that the present response is complete and complies with the requirements of 37 C.F.R. §1.121. In view of these amendments and remarks, the Applicants believe that the case is now in proper form for allowance. Prompt issuance of a Notice of Allowance is respectfully requested. If the Examiner believes that outstanding issues remain in the case, the Examiner is encouraged to call the undersigned Agent for Applicant listed below to discuss the matter.

Respectfully submitted,



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